



Attorney Docket No. 9310.28CT

PATENT

AF  
1603

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Goudsmit et al.

Application Serial No.: 09/760,085

Filed: January 12, 2001

For: *Isolation and amplification of nucleic acid materials*

**RECEIVED**

Date: September 22, 2003

SEP 29 2003

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

TECH CENTER 1600/2900

**APPLICANT INITIATED INTERVIEW REQUEST FORM**

Sir:

Participants:

|                                      |  |
|--------------------------------------|--|
| 1. Examiner Joyce Tung               | 2. Primary Examiner Ethan Whisenant  |
| 3. Supervisory Examiner Gary Benzion | 4. Dr. Mary Miller   |
| 5. Dr. Karen Magri                   | 6. (Applicants originally requested the attendance of a Practice Specialist (i.e., Paula Hutzell or Brian Stanton) and provided a written statement explaining reasons for same per request of Examiner Benzion, but pursuant to Examiner Benzion's comments that he did not feel a Practice Specialist was needed, none attended the interview. |

Proposed Date of Interview: September 10, 2003 Proposed Time: 1:00 PM EST

Type of Interview Requested:

(1)  Telephonic      (2)  Personal      (3)  Video Conference

Exhibit to be shown or demonstrated  YES       NO

If yes, provide brief description: N/A

**ISSUES TO BE DISCUSSED**

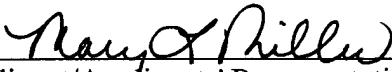
| Issues<br>(Rej., Obj., etc.) | Claims/<br>Fig. #s | Prior<br>Art | Discussed | Agreed | Not Agreed |
|------------------------------|--------------------|--------------|-----------|--------|------------|
| 1) 112, first para.          | All                | N/A          |           |        |            |
| Rejection re<br>new matter   |                    |              | [X]       | [ ]    | [ ]        |
| 2) _____                     | _____              | _____        | [ ]       | [ ]    | [ ]        |
| 3) _____                     | _____              | _____        | [ ]       | [ ]    | [ ]        |
| 4) _____                     | _____              | _____        | [ ]       | [ ]    | [ ]        |

Continuation Sheet Attached

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**Brief Description of Interview:**

An interview was conducted on the above-identified application on September 10, 2003 with the above-listed participants. The issue of whether a negative limitation added to the claims by amendment is supported by the specification and whether the requirements of written description are met by this amendment was discussed, along with sections of the MPEP and *Ex parte Grasselli* and *Ex Parte Parks*. Examiner Benzion stated that he would discuss this case with Rob Hill (new matter expert) and/or Brian Stanton (Quality Matrix Group) and have Examiner Tung get back to applicants' representative with their comments. Applicants' representative requested that if the outcome of such consultation is maintenance of the new matter rejection, that applicants be provided a written explanation of why the rejection is maintained and why one of skill in the art would not reasonably conclude, upon review of the specification, that applicants were in possession of the invention as now claimed, in order to prepare the case for possible appeal.

  
\_\_\_\_\_  
Applicant/Applicants' Representative Signature

\_\_\_\_\_  
Examiner/SPE Signature

**Certificate of Mailing under 37 CFR 1.8**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on September 22, 2003.

  
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Cathy A. Schetzina